



Iran must release imprisoned trade unionists

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Introduction

On the occasion of the 101st session of the International Labour Conference (ILC) - taking place in Geneva from 30 May to 15 June 2012 - Amnesty International renews its call on the Iranian authorities to immediately and unconditionally release trade unionists who have been imprisoned solely for their peaceful trade union activities in Iran. The Iranian authorities have arrested dozens of trade unionists in recent years, some of whom have been sentenced to long prison terms, and have maintained a long standing prohibition on the establishment and recognition of independent trade unions and associations.

Iran has been elected to both the Governing Body of the International Labour Organization (ILO) and has been elected at the current 2012 ILC to chair the Selection Committee of the ILC.¹ Yet the Iranian authorities continue to undermine the rights to freedom of expression, assembly, and association, including trade union activities. Nevertheless, an active but unrecognized trade union community continues to exist in Iran, organizing protests against violations of workers rights, including the non-payment or delays in the payments of workers' wages which have affected thousands of Iranian wage earners and their families in recent years.

Independent trade unions are banned in Iran. Existing Iranian law provides for two organizations that represent workers in Iran: the Islamic Labour Councils and the Assemblies of Workers' Representatives (AWRs), together with their respective national coordinating bodies. However, both are government-controlled bodies: candidates standing for election to Islamic Labour Council boards are subject to discriminatory screening procedures as they must demonstrate their belief in, and practice of, Islam whilst also being faithful to the ideological basis of the Islamic Republic of Iran. Candidates may be disqualified because of their political opinions or affiliation.

Draft legislation to reform the Labour Code would, if it becomes law, continue to undermine freedom of association by prohibiting the creation of independent trade unions. Its provisions would also continue to give governmental security and intelligence bodies control over the approval of candidates permitted to stand for election to the leadership committees of workers' bodies.

Article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party, states that "everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests". In November 2011, the United Nations (UN) Human Rights Committee, which oversees implementation of the ICCPR, stated that the Iranian authorities should "ensure that the right to freedom of assembly and association is guaranteed to all individuals without discrimination, and release immediately and unconditionally anyone held solely for the peaceful exercise of this right, including [...] trade unionists".

¹ The Governing Body is the executive body of the ILO. It is responsible for taking decisions about ILO policy, decides the agenda of the ILC, adopts the draft programme and budget for the ILO, and appoints the Director-General of the ILO. It comprises 28 government representatives, 14 employers and 14 union representatives. Iran was elected in June 2011 to serve until 2014. The Selection Committee arranges the programme for the ILC.

Iran is also a state party to the International Covenant on Economic, Social and Cultural Rights, Article 8 of which guarantees the “right of everyone to form trade unions and join the trade union of his choice”.

As a member of the ILO, Iran has an obligation to respect, promote and to realize the principles and rights set out in the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up and to strengthen its application of the fundamental rights contained in the ILO Core Conventions. This includes the right to form and join trade unions, the right to strike, and the right to collectively bargain, as contained in Conventions No 87 (1948) and No 98 (1949): Iran has yet to ratify the Freedom of Association and Protection of the Right to Organize Convention No 87 (1948) and the Right to Organize and Collective Bargaining Convention No 98 (1949). With the responsibility of membership of the ILO's Governing Body comes the responsibility on Iran to uphold the highest standards of labour rights, to meet fully its obligations as a member of the ILO and to cease intimidating and imprisoning those seeking to exercise these fundamental rights.

Public May Day rallies in Iran were not permitted this year, as in previous years, as the Ministry of Interior did not grant the required permission. However, workers and others throughout Iran - including prisoners - gathered to commemorate International Workers Day on 1 May.

In Tehran and surrounding areas, workers held a number of different events. Nearly 200 workers from various Workers' Mountain Climbing Groups and from different factories within Tehran province, along with their families, gathered for joint climbing events near Karaj, north-west of Tehran. In Sanandaj, Kordestan Province, north-west Iran, scores of workers - men and women - gathered on 1 May chanting, “We are workers; we are hungry” and “Workers, workers, unite”. Security forces, arriving shortly after the rally began, dispersed the crowd, reportedly with the use of tear gas and batons. Individuals imprisoned in Section 350 of Evin Prison also celebrated May Day despite prison guards previously confiscating reading materials related to May Day.

Imprisoned Trade Unionists

Iranian trade unionists currently held as prisoners of conscience for their activism include:

1. Ali Nejati

Ali Nejati, a former leader of the Haft Tapeh Sugar Cane Company (HTSCC) Trade Union, a trade union not recognized by the Iranian government, was arrested on 12 November 2011 and taken to Dezfoul Prison, Khuzestan Province, to begin serving a one-year prison sentence imposed for his trade union activities. In poor health after heart surgery following a heart attack, he was granted medical leave on 7 March but was returned to prison on 8 April 2012.

2. Reza Shahabi (Zakaria)

Reza Shahabi (also known as Reza Shahabi Zakaria), the Treasurer of the Union of Workers of the Tehran and Suburbs Bus Company (*Sherkat-e Vahed*), has been sentenced to six years' imprisonment on vaguely worded charges relating to his trade union activities. Reza Shahabi has been detained in Evin Prison in the Iranian capital, Tehran, since June 2010. Like many other prisoners in Iran, he is believed to have been tortured in detention, including by being forced to stand for prolonged periods in stress positions, and is in poor health after numerous hunger strikes in protest at the conditions in which he is held. In around February 2012, he had complained that one side of his body was numb. However, it was not until 30 April 2012 that the prison authorities took him to hospital. In an open letter to fellow workers participating in the 2012 ILC, written in

Tehran's Imam Khomeini Hospital on 4 June 2012, Reza Shahabi stated that he was suffering from severe back and neck pain and was awaiting an operation.

In early 2012 it was revealed that Reza Shahabi had been sentenced to five years' imprisonment for "gathering and colluding against state security" and one year for "spreading propaganda against the system" by Branch 15 of the Revolutionary Court of Tehran. He has also been fined 70 million rials (approximately US\$5,700) and banned from all trade unionist activities for five years. According to his lawyer, the prosecution is seeking to bring a fresh charge of "enmity against God" for alleged contact with the People's Mojahedin Organization of Iran (PMOI), a banned opposition group, a charge which can carry the death penalty. Amnesty International believes that Reza Shahabi has been convicted solely for his peaceful trade union work, and is a prisoner of conscience.

3. Rasoul Bodaghi

Rasoul Bodaghi, a member of the Tehran Iran Teachers' Trade Association (ITTA), which is affiliated to European International (EI), an international union representing education workers, was arrested in September 2009. A teacher for 20 years, he was later sentenced to six years in prison for the vaguely worded charges of "spreading propaganda against the system" and "gathering and colluding against national security" in connection with his activities for the association. In January 2011, an appeals court confirmed Rasoul Bodaghi's sentence and banned him from taking part in any civil society activities for five years. According to reports, he was severely beaten by two prison officers in May 2010.

4. Shahrokh Zamani and Mohammad Jarahi

Painter and decorator Shahrokh Zamani and Mohammad Jarahi, both from Tabriz and members of the Committee to Pursue the Establishment of Workers Organizations, a group campaigning for the establishment of independent trade unions in Iran, are currently serving 11- and five-year prison sentences in Tabriz prison, north-west Iran. Shahrokh Zamani, Mohammad Jarahi and three other labour rights activists – Nima Pour Yaghoub, Sassan Vahebivash, and Sayed Boyuk Sayedlar – were all initially arrested in June 2011. Branch 1 of the Revolutionary Court in Tabriz later sentenced Shahrokh Zamani to 11 years, Nima Pour Yaghoub to six years, Mohammad Jarahi to five years and Sassan Vahebivash to six months in prison after conviction of charges including "acting against national security by establishing or membership of groups opposed to the system" and "spreading propaganda against the system". Only Sayed Boyuk Sayedlar was acquitted. The sentences were upheld on appeal in November 2011. Shahrokh Zamani and Mohammad Jarahi were both arrested in mid-January 2012 to begin serving their sentences; Nima Pour Yaghoub and Sassan Vahebivash were believed to be at liberty at the time of writing in June 2012.

5. Behnam Ebrahimzadeh

Behnam Ebrahimzadeh, a worker at a polyethylene pipe-manufacturing factory in the outskirts of Tehran, is a member of the Follow Up Committee to Set Up Free Trade Associations and a children's rights defender. He reportedly suffered two broken ribs as a result of beatings during his arrest in June 2010, and is currently serving a five-year prison sentence. Behnam Ebrahimzadeh was initially sentenced to 20 years' imprisonment in December 2010 on national security charges. This was overturned by the Supreme Court, and after a retrial he was sentenced to five years in prison after conviction of "gathering and colluding with intent to harm state security", apparently in connection with his trade unionist activities on behalf of the Follow Up Committee to Set up Free Trade Associations. This sentence was upheld on appeal in October 2011.

6. Fariborz Raisdana

Economist and academic Fariborz Raisdana, a member of both the unregistered Iranian Writers' Association (IWA) and the Centre for Workers' Rights Defenders, is currently serving a one-year sentence in Section 350 of Evin Prison. He was arrested on 19 December 2010 after speaking about the government-led subsidy programme changes in Iran on BBC Persian – the BBC's Persian language news service – and was released on bail one month later. Branch 28 of the Revolutionary Court sentenced Fariborz Raisdana to one year's imprisonment on charges related to his peaceful exercise of his right to freedom of expression and association through interviews he gave to the BBC in which he criticized the government subsidies programme, as well as his membership in the IWA. The authorities have previously announced that the IWA is "not a legal entity", although members of the organization say they have never been permitted by the Iranian authorities to register as a Guild (or Trade) Association under the Law on Political Parties, Societies, Political and Guild Associations, and Islamic or Recognized Minority Religious Associations.²

7. Ali Akhavan

Another member of the Centre for Workers Rights Defenders, Ali Akhavan was first arrested on 4 June 2010, after which he was released on bail on 29 June 2010. He was later tried and sentenced to three years' imprisonment, reduced on appeal to one-and-a-half-years' imprisonment apparently in connection with his labour rights activities on behalf of the Centre for Workers Rights Defenders. Ali Akhavan began serving his sentence on 28 January 2012.

Amnesty International's recommendations to the government of Iran

- Immediately and unconditionally release all prisoners of conscience, including those imprisoned for their legitimate trade union and other human rights activities;
- Ensure that all those held are protected from torture and other ill-treatment, and are granted immediate access to their families, to lawyer of their choice, and to adequate medical care;
- End all victimization, discrimination, harassment and arbitrary arrest of trade unionists who are seeking to uphold their own rights and others' rights;
- Initiate legislation to allow workers to exercise their right to form and join independent trade unions and to collectively bargain in line with Iran's obligations under international law, including granting legal recognition to all independent workers' bodies and by ending harassment of their members for their peaceful exercise of their rights to freedom of expression, association and assembly, and their right to strike;
- Ratify ILO Convention No 87 (1948) on Freedom of Association and Protection of the Right to Organize and Convention No 98 (1949) on the Right to Organize and Collective Bargaining, and ensure full compliance with the obligations of the ILO Declaration on Fundamental Principles and Rights at Work.

² For further information concerning restrictions on the right to freedom of association in Iran, see Amnesty International, *Iran: Submission to the Human Rights Committee for the 103rd session of the Human Rights Committee, 17 October – 4 November 2011*, Index: MDE 13/081/2011, September 2011, <http://www.amnesty.org/en/library/info/MDE13/081/2011/en>

Appendix 1

List of material published by Amnesty International on the persecution of trade unionists in Iran

- *Iran: Iran's workers need your support* (Index: MDE 13/032/2012), Postcard, 1 June 2012, <http://www.amnesty.org/en/library/info/MDE13/032/2012/en>
- *Iran: Trade unionist given six-year prison sentence: Reza Shahabi* (Index: MDE 13/027/2012), Urgent Action, 9 May 2012, <http://www.amnesty.org/en/library/info/MDE13/027/2012/en>
- *Iran: Submission to the UN Committee on Economic, Social and Cultural Rights* (Index: MDE 13/019/2012), Document, 30 March 2012, <http://www.amnesty.org/en/library/info/MDE13/019/2012/en>
- *Iran: 'We are ordered to crush you': Expanding repression of dissent in Iran*, (Index: MDE 13/002/2012), Report, 28 February 2012, <http://www.amnesty.org/en/library/info/MDE13/002/2012/en>
- *Iran: Anniversary demonstrations on 14 February must be allowed to take place peacefully* (Index: MDE 13/005/2012), Public Statement, 10 February 2012, <http://www.amnesty.org/en/library/info/MDE13/005/2012/en>
- *Iran: Submission to the Human Rights Committee for the 103rd session of the Human Rights Committee, 17 October – 4 November 2011* (Index: MDE 13/081/2011), Report, 21 September 2011, <http://www.amnesty.org/en/library/info/MDE13/081/2011/en>
- *Iran: Determined to live in dignity: Iranian trade unionists' struggle for rights* (Index: MDE 13/024/2011), Document, 10 June 2011, <http://www.amnesty.org/en/library/info/MDE13/024/2011>
- *Iran: Further information: Adoption of restrictive NGO law postponed* (Index MDE 13/045/2011), Urgent Action, 15 April 2011, <http://amnesty.org/en/library/info/MDE13/045/2011/en>
- *Iran: Parliament ignores concerns of independent civil society organisations over draft bill* (Index MDE 13/044/2011), Joint Public Statement, 10 April 2011, <http://amnesty.org/en/library/info/MDE13/044/2011/en>
- *Iran: New NGO law would greatly increase risks for activists* (Index MDE 13/043/2011), Urgent Action, 08 April 2011, <http://amnesty.org/en/library/info/MDE13/043/2011/en>.
- *Iran urged to scrap draft law undermining independent NGOs*, Press Release, 06 April 2011, <http://www.amnesty.org/en/news-and-updates/iran-urged-scrap-draft-law-undermining-independent-ngos-2011-04-06>

- *Iran: Independent civil society organizations facing obliteration* (Index MDE 13/037/2011), Public Statement, 04 April 2011, <http://amnesty.org/en/library/info/MDE13/037/2011/en>
- *Iran: Further Information: Four trade unionists remain in detention* (Index MDE 13/013/2011), Urgent Action, 04 February 2011, <http://amnesty.org/en/library/info/MDE13/013/2011/en>
- *Iran: Further Information: Imprisoned trade unionist on hunger strike: Reza Shahabi* (Index MDE 13/109/2010), Urgent Action, 10 December 2010, <http://amnesty.org/en/library/info/MDE13/109/2010/en>
- *Iran: Iranian trade unionists held incommunicado* (Index MDE 13/063/2010), Urgent Action, 14 June 2010, <http://amnesty.org/en/library/info/MDE13/063/2010/en>
- *Iran: End Repression of Independent Trade Unions* (Index MDE 13/040/2009), Public Statement, 30 April 2009, <http://amnesty.org/en/library/info/MDE13/040/2009/en>